



Know Your Rights: LGBTQ Youth in Maine's Juvenile Justice System

SAFETY AND THE RIGHT TO BE OUT

All youth, including LGBTQ youth, have the right to be safe in Maine's juvenile justice system.

You have the right to safe placements, free from discrimination, harassment, and abuse based on actual or perceived sexual orientation or gender identity or expression.

You are also protected from discrimination based on your race, religion, national origin, gender, disability, or political views, in addition to your sexual orientation and gender identity or expression.

It is not okay for staff or other residents to threaten you, tell offensive jokes, call you offensive names or treat you differently.

If you are being harassed or experiencing violence, a facility's response cannot be to move you to a more restrictive facility or to isolate you.

While every person can make an individual decision, you have the right to be open about your sexual orientation and gender identity and expression.

You have a right to be identified by the name and pronouns consistent with your gender identity and to be housed, wear clothing and receive medical care consistent with your gender identity.

TREATMENT IN THE FACILITY

You have the right to appropriate medical and mental health care, both for general services and for any medical services that may be unique to LGBTQ youth.

You have the right to be free from indoctrination, condemnation, or disparagement of your sexual orientation or gender identity or expression by facility staff and volunteers.

You cannot be segregated or classified as a sex offender based on myths that LGBTQ youth will prey on other youth.

CONTINUE ON OTHER SIDE...

CONFIDENTIALITY

You have the right to connect confidentially to lawyers and legal advocacy groups through confidential legal visits, confidential legal calls, and confidential legal mail.

Incoming legal mail should be opened only in your presence, and outgoing mail should be sealed by you.

Calls with your lawyers should not be on speaker phone or recorded.

You have the right to make outgoing calls (although these calls may be recorded) and have visitors.

Visitors should make sure to follow Long Creek's rules, which include scheduling in advance, arriving fifteen minutes early, providing identification, and more.

Rules are listed at:
<https://www.maine.gov/corrections/juvenile/Facilities/LCYDC/Demo/VisitRules.html>

GRIEVANCES

You have the right to grieve anything and to exercise that right to grieve, and attorneys for Maine's Department of Corrections agree. Ask the facility for a copy of your grievance. Tell your attorney you have filed a grievance, and ask your lawyer to keep a record of your grievances.

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Grievance and appeal rules and rights can be found in these policies:

Policy 6.11 is the grievance policy for making a complaint about sexual misconduct and/or sexual harassment by staff or another resident. There is no time limit for making a complaint under this policy.

Policy 29.1 is the main grievance policy, and you should use it to make a complaint about any policy, procedure, practice, condition of confinement, action, decision, or event that directly affects you, that you believe is a violation of your rights or policies, or for which you think Long Creek is responsible. There is a time limit: you must file a grievance within 15 days, and then follow the rules about appeals if you are not satisfied.

Policy 29.2 is the grievance policy you should use to make a complaint about medical or mental health care. There is a time limit: you must file this grievance within 15 days, and then follow the rules about appeals if you are not satisfied.

Policy 18.02 is the policy for appealing a recommendation or decision about classification (the Classification Committee makes recommendations or decisions about initial classification, quarterly reviews, phase advancement, community reintegration and discharge). Time limit: you have 5 days to appeal a decision of the Classification Committee.

You have rights. If you need more information about your rights and how to enforce them, contact GLAD Answers anytime by email at gladanswers@glad.org or by telephone on Monday-Friday at 1:30pm-4:30pm at 800-455-GLAD. You can also contact Portland Outright (207-558-2429 and portlandoutright@gmail.com) and Maine Inside Out (maineinsideout@gmail.com). These are resources within Long Creek Youth Development Center.

This handout is not intended as legal advice. Thank you to juvenile defense attorney Gina Yamartino for reviewing this document.